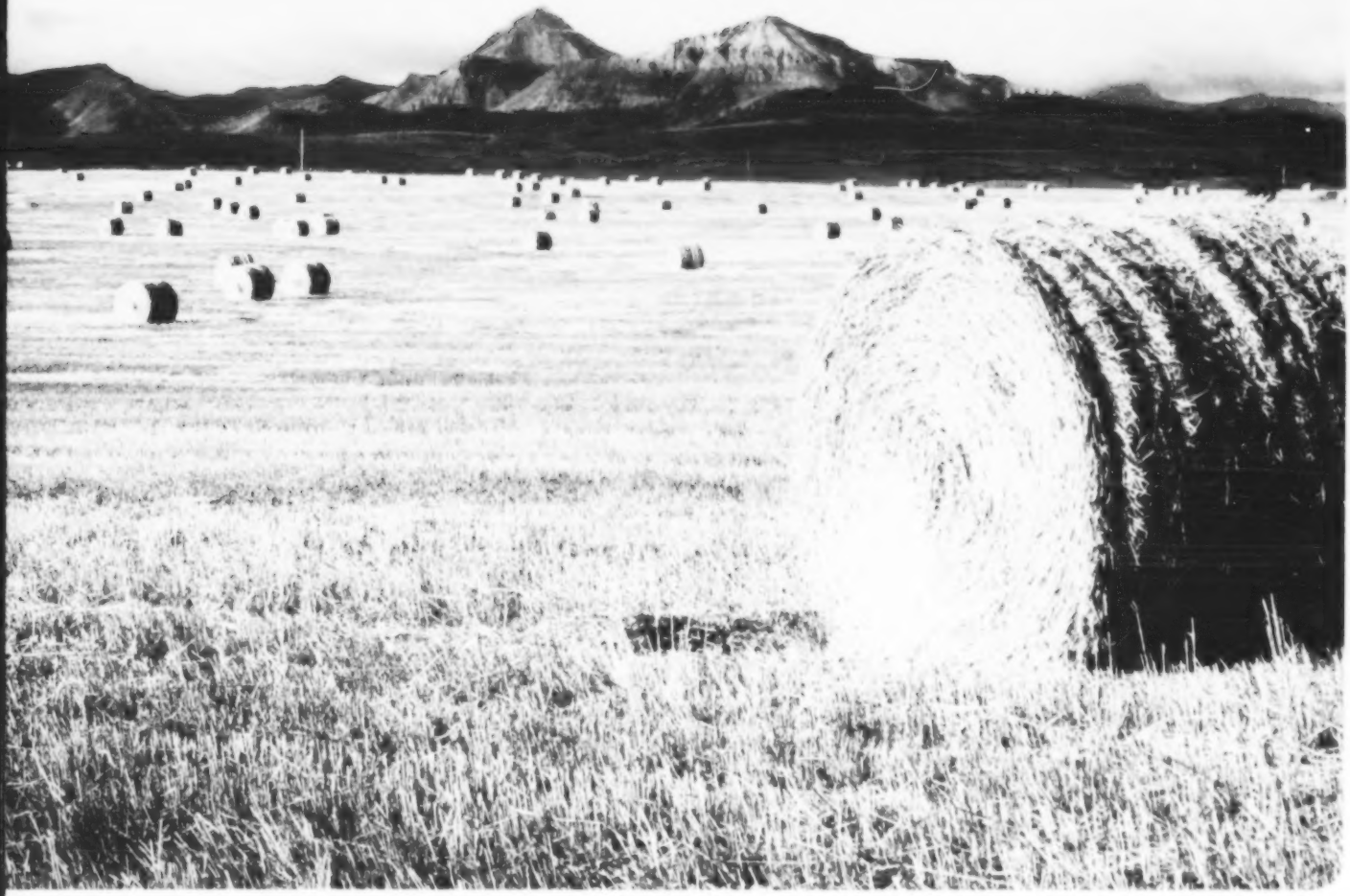
Hiring Foreign Workers in Alberta

Information for employers who want to find and hire temporary foreign workers



Alberta

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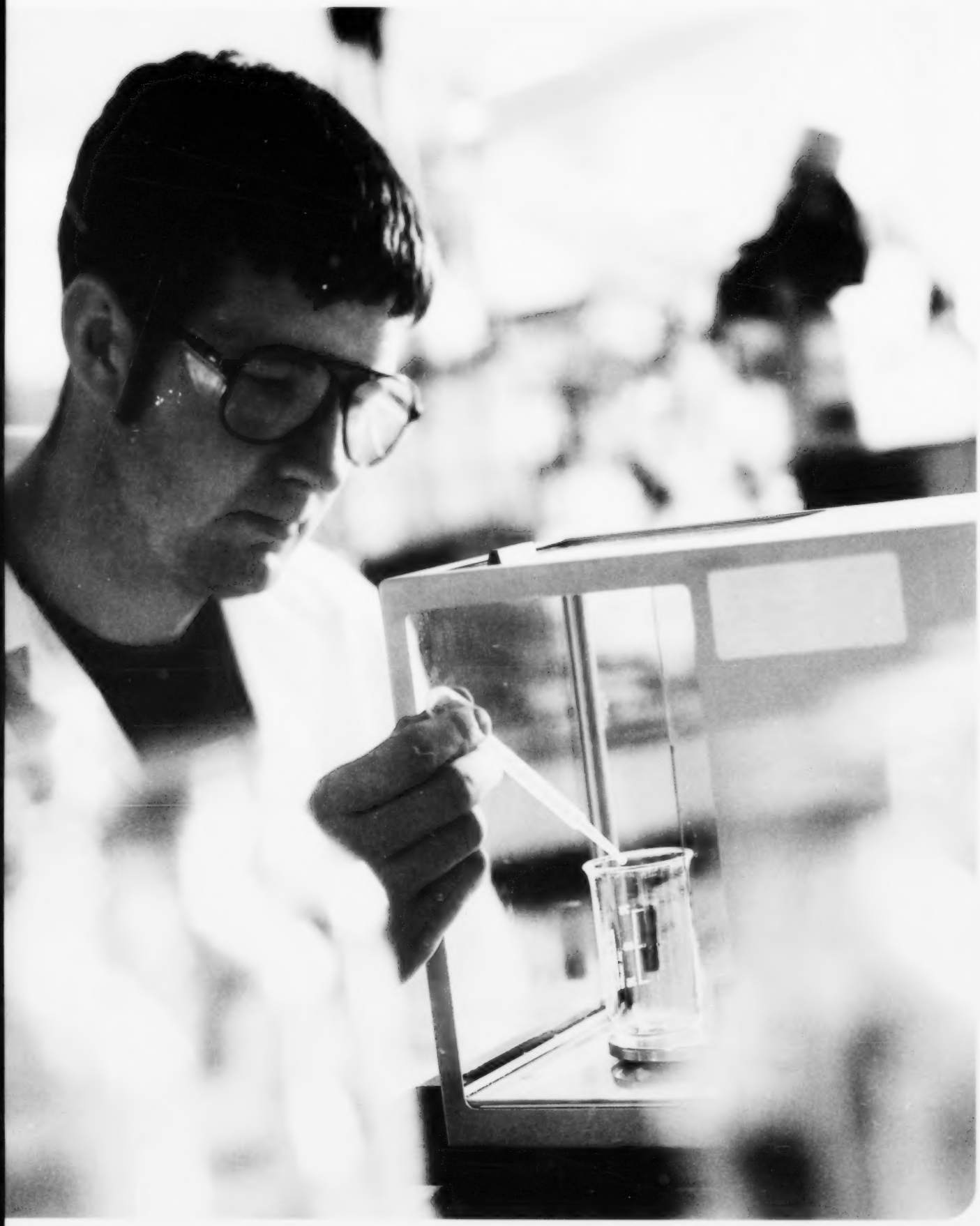


Solving Alberta's Labour Shortage

Alberta's vibrant and growing economy has given the province unprecedented prosperity. As a result, our growth has put new pressures on the labour force. One way to overcome current labour shortages is to hire foreign workers.

In this booklet, *you* refers to Alberta employers or potential employers of workers from outside Canada.

Many Alberta companies now employ workers from other Canadian provinces and across the globe. You may be eligible to hire temporary foreign workers and even nominate them for permanent residence. Through the Alberta Provincial Nominee Program (PNP), you can offer continuing employment to your foreign workers and help them speed up the immigration process.

Government of Alberta services for employers

- **Provincial Nominee Program**
  An immigration program developed to help you hire and retain foreign workers in specific occupations.
- **Jobs in Alberta**
  A job posting website designed to link you directly to foreign workers.
- **Alberta Foreign Worker Hotline**
  An information and referral service for you and foreign workers. It is available both online and over the phone.
- **How to Hire Foreign Worker Seminars**
  In-depth help sessions for employers who are thinking about recruiting foreign workers.
- **International missions**
  Government invitations to employers to participate in international recruitment missions and immigration and job fairs in targeted countries.
- **Sector-specific solutions**
  Some made-in-Alberta solutions to sector-specific labour shortages within Alberta's unique economy.

USEFUL WEBSITES

Alberta Immigration
www.albertacanada.com/immigration

Alberta Provincial Nominee Program
www.albertacanada.com/pnp

Jobs in Alberta (provincial website)
www.albertacanada.com/jobs

OPTION 1

Temporary Foreign Worker Program

The Temporary Foreign Worker (TFW) Program is administered by two federal government departments, Human Resources and Social Development Canada (Service Canada), and Citizenship and Immigration Canada (CIC).

The TFW Program allows:

- foreign workers to work temporarily in Canada, and
- Canadian employers to deal with labour shortages by temporarily employing foreign workers.

To hire a foreign worker, you must first get Service Canada's approval. This approval, called a Labour Market Opinion (LMO), assesses the impact of hiring a foreign worker on the Canadian labour market. This means that you must give proof that you have made every possible effort to hire a Canadian citizen or permanent resident before applying for approval to hire a foreign worker.

Use the following four steps as a guide to hire temporary foreign workers.

STEP ONE
Gather information

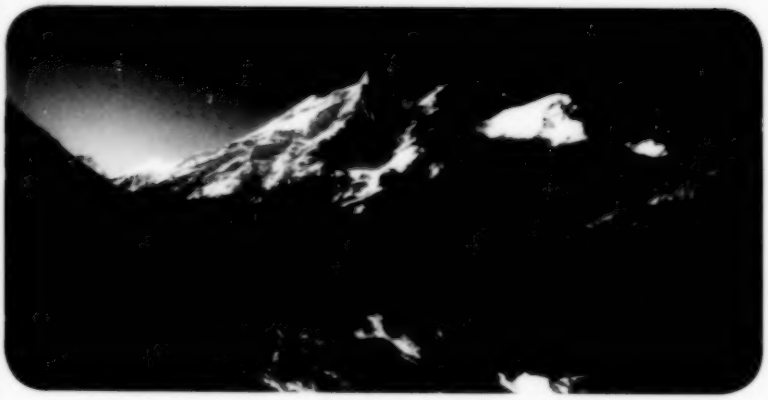
1. Identify the occupation's skill level.

The National Occupational Classification (NOC) codes define the skill levels as in the table below:

Level	Skilled workers
O	Management occupations (all management jobs)
A	Occupations that usually require university degrees
B	Occupations that usually require college diplomas or trade certificates
Level	**Semi-skilled workers**
C	Occupations that usually require secondary or high school and occupation-specific training, or both
D	Occupations that do not require higher than high school education (employers provide on-the-job training)

USEFUL WEBSITES

NOC Codes
www23.hrdc-drhc.gc.ca



2. Find out if the government requires assessment of foreign credentials.

You need to know if the temporary foreign worker needs Canadian or Alberta certification or licensing for the position. This specifically applies to employers hiring foreign workers in professional and trades occupations.

USEFUL WEBSITES

Health profession associations and regulatory bodies
www.hsaa.ca/links/profassoc

Internationally educated engineers
www.apegga.org/Applicants/IEG/toc.html

Working in a trade
www.tradesecrets.gov.ab.ca/working_in_alberta

3. Find out if the position requires a Labour Market Opinion (LMO).

Certain occupations may not require an LMO. To find out if a position is LMO-exempt, contact:

Calgary Temporary Foreign Worker Unit
Citizenship and Immigration Canada
170, 220 4th Ave. SE
Calgary, AB T2G 4X3

Tel: 403.292-4183
Fax: 403.292-6843
E-mail: TFWU-Calgary-UTET@cic.gc.ca

FAQs

(i) How long can semi-skilled temporary foreign workers work here?

A temporary foreign worker in a semi-skilled occupation **may** work in Canada for **only 24 months**. To be eligible for another work permit, the worker must return to his or her home country for four months before applying again. You must have a valid Labour Market Opinion to hire either the same or a new foreign worker.

(ii) How long can skilled temporary foreign workers work here?

Workers in skilled occupations usually get work permits that are valid for the same length of time as their job offer — usually two years. If you offer a TFW a job extension, your company has to apply for an LMO extension. Then, the TFW has to apply for a work permit extension by applying to the Canada Immigration Centre in Vegreville, Alberta. The temporary foreign worker must maintain his or her legal status in Canada by applying for a work permit extension before the initial work permit expires.

USEFUL WEBSITES

LMO exemptions
www.cic.gc.ca/english/work/apply-who-permit.asp

TFW Unit in Calgary
www.cic.gc.ca/english/work/employers/tfw-units.asp

TFW Unit FAQ
www.cic.gc.ca/english/information/faq/work/employers-faq03.asp

(iii) How do foreign workers in compulsory trade occupations gain certification?

Temporary foreign workers in compulsory trade occupations should have Alberta Apprenticeship and Industry Training assess their foreign credentials before arriving in Alberta.

After they arrive in Alberta, they must pass the required examinations and qualify for certification within 180 days of arrival. If workers have not qualified for certification within 180 days, consideration may be given to granting workers an additional 180 days to become certified. For this to occur, they or their employers can show that positive steps have been taken towards certification or that a formal training plan is in place. In accordance with this requirement, the initial work permit is issued for a period of 12 months.

After passing the Qualification Certification Exam, the government can extend the initial work permit to its full term.

Contact the Alberta Foreign Worker Hotline for more information at 1.877.427-6419 (toll-free in Alberta).

STEP TWO

Apply for a Labour Market Opinion

1. Download and complete the LMO application.

If you have already found the person(s) you wish to hire, include all their required personal data on the application form. If you have not yet found the person(s) you want to hire, leave the spaces blank and state on the top of your application that you are applying for a pre-approval only.

If you are planning to hire more than one foreign worker with the same job description (NOC category), you need to submit only one LMO application form.

2. Include the following documents:

(i) A copy of your job advertisement to hire or train Canadian citizens or residents for the position, posted through:

- The National Job Bank (a Government of Canada website), or
- Your ongoing recruitment mechanisms (Internet, newspapers, public posting boards, associations or other).

Though you need to advertise in only one place for skilled positions, for semi-skilled positions, you must advertise in two public media and provide copies of the ad (from the National Job Bank and one other).

Your job postings must be for at least one week and must include:

- NOC occupation title;
- Skill requirements (education and work experience);
- Wages or salary; and
- Terms of employment (hours of work, vacation, other conditions and benefits).

(ii) An internal job description that includes working conditions, required qualifications and other relevant information.

(iii) For skilled workers, an official offer of employment that meets government employment standards and collective agreements.

(iv) For semi-skilled workers, an employment contract, similar to the Sample Contract posted on the Service Canada website, that meets government employment standards and collective agreements.

A note about processing times

The processing time for LMO applications varies depending on the number of applications that Service Canada has at the time. Service Canada has begun a pilot project in Alberta and British Columbia to speed up the processing of Labour Market Opinions for 33 specific occupations. These are jobs in the highest demand in the two provinces. This process means eligible employers can get an LMO within five working days.

USEFUL WEBSITES

LMO application form
www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/fwp_forms.shtml

Expedited Labour Market Opinion
www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/elmopp/elmoppone.shtml

National Job Bank
www.jobbank.gc.ca

Service Canada sample job contract for semi-skilled foreign workers
www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/forms/annex2-e.pdf

Hiring workers from abroad – process
www1.servicecanada.gc.ca/en/ab-nwt-nu/fwp/fw.shtml

Information for employers who are hiring workers from abroad
www.cic.gc.ca/english/work/employers/lmo-basics.asp

STEP THREE

Submit your application

Send the application to Service Canada in one of three ways:

1. Fax

Service Canada at 780.495-2738

2. Mail

Human Resources and Social Development Canada
Suite 1440, Canada Place
9700 Jasper Avenue
Edmonton, AB T5J 4C1

3. Apply online

If you apply online, you must also submit the original supporting documents, including the last page of the application with your original signature, by mail or fax. If you are applying only for pre-approval, you cannot apply online.

USEFUL WEBSITES

Online LMO application instructions
www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/fwp_application.shtml

STEP FOUR

Receive a Labour Market Opinion

Service Canada assesses your application and accompanying documents and sends you either a positive or negative LMO. They use the following major criteria to assess your need to hire a foreign worker:

- how genuine the intent of your job offer is;
- the wages and working conditions;
- your recruitment efforts to hire or train Canadians;
- the impact of hiring on labour disputes; and
- proof that the transfer of skills and knowledge from foreign workers will benefit the labour market.

STEP FIVE

Hire or find foreign workers

When you receive a positive LMO (which is not a work permit), you must send a copy to the foreign skilled worker along with the signed copy of your job offer. Or, if you received an LMO exemption letter from the Temporary Foreign Worker Unit in Calgary, you must send it to the foreign skilled worker with a signed copy of the job offer.

If you are hiring a semi-skilled worker, you must send (i) a positive LMO, and (ii) a signed employment contract to him or her to sign and submit with the work permit application.

If you have a pre-approval only and are still looking for a foreign worker, you can advertise the job vacancy free of charge on the Jobs in Alberta website. The Government of Alberta promotes this website in various countries as a good source for the specific job needs of Alberta employers.

USEFUL WEBSITES

Instruction sheet and sample employment contract for semi-skilled workers
www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/forms/annex2-e.pdf

Jobs in Alberta
www.albertacanada.com/jobs

STEP SIX

The foreign worker obtains a work permit and meets other requirements

When can a temporary foreign worker get a work permit?

A foreign worker can apply for a work permit after he or she receives a copy of your LMO and accepts and signs your employment contract (semi-skilled worker), or a written job offer (skilled worker).

Where does the foreign worker apply for the work permit?

He or she can do this at the designated Canadian visa office for the worker's home country. In some cases, a temporary foreign worker may apply for a work permit at a port-of-entry on arrival in Canada. For example, this applies to some professional occupations from countries under the North American Free Trade Agreement.

What does a professional foreign worker who qualifies for a port-of-entry work permit need?

That worker must present an employment offer, a valid passport, proof of education and work experience, $150 CAD fee, and if applicable, an LMO exemption letter from the Temporary Foreign Worker Unit in Calgary.

What else does a foreign worker need to get before coming to Canada?

There are two other requirements for certain other temporary foreign workers:

1. Temporary Resident Visa

Some temporary foreign workers from certain countries must also get a Temporary Resident Visa (TRV) before arriving in Canada. These visas allow the worker to enter Canada and are generally processed with the application for a work permit. Workers who require TRV cannot apply for a work permit at the Canadian port-of-entry.

2. Immigration medical examination

Temporary foreign workers from specific countries or jobs must get an immigration medical examination before coming to Canada. The specific job categories includes occupations such as medical doctors, nurses, teachers and other workers whose jobs require working closely with the general public.

Is there any way to speed up the process?

Yes. Certain temporary foreign worker applicants are now eligible for concurrent processing. This means that their work permit applications can start being processed before a Canadian visa office receives an approved LMO. Concurrent processing only applies to NOC skill level 0, A, or B, and a worker must apply for it at a Canadian visa office outside Canada.

Immigration officials make the final decisions about all work permits, using the applicant's health, and criminal and security admissibility as criteria. Note that the process of getting a work permit can take from a few days to several months.

USEFUL WEBSITES

Work permit applications
www.cic.gc.ca/english/information/applications/work.asp

Canadian visa offices
www.cic.gc.ca/english/information/offices/missions.asp

Countries and territories requiring visas
www.cic.gc.ca/english/visit/visas.asp

Medical examination requirements
www.cic.gc.ca/english/information/medical/medexams-temp.asp

Concurrent processing
www.cic.gc.ca/english/work/processing.asp

OPTION 2

International Mobility and Exchange Programs

Mobility Programs

You can hire foreign workers under international agreements that make moving workers between Canada and other countries easier. Some of these agreements, such as the North American Free Trade Agreement (NAFTA) and the General Agreement on Trades and Services (GATS), exclude certain occupations from the Labour Market Opinion process.

You do not have to get an LMO to hire workers from Mexico or USA in occupations under NAFTA (accountants, architects, IT systems analysts, economists, engineers, foresters, hotel managers, scientists, and a variety of medical and health care professionals).

To find out if the occupation is LMO-exempt, contact the CIC Temporary Foreign Worker Unit (TFWU) in Calgary by mail, e-mail, or fax:

Calgary Temporary Foreign Worker Unit
Citizenship and Immigration Canada
170, 220 4th Ave. SE
Calgary, AB T2G 4X3

Tel: 403.292-4183
Fax: 403.292-6843
E-mail: TFWU-Calgary-UTET@cic.gc.ca

Give your information (as an employer), a written job offer, and a foreign worker's personal data (from the passport). If the government issues you an LMO exemption letter, you must send it to the temporary foreign worker so that he or she can obtain a work permit.

Exchange programs

International Student and Young Workers Employment Program

Countries such as France, Germany, India, South Africa, the United Kingdom, USA, Venezuela and others have signed agreements with Canada under the International Student and Young Worker Employment Program. These programs allow Canadian companies to hire foreign workers without an LMO approval. For example, Germany offers the Youth Mobility Program (YMP).

In most cases, these programs allow workers from 18 to 35 years of age to work in Canada for 12 months or less. These work permits cannot be extended in Canada. This program is for young professionals and university graduates with professional qualifications gained through apprenticeship, vocational training, or graduation from a university or technical college.

USEFUL WEBSITES

Citizenship and Immigration Canada – Foreign Worker Manual – review appendix on international student and young worker employment – Appendix E
www.cic.gc.ca/english/resources/manuals/fw/fw01e.pdf

Work and travel programs for German citizens
www.dfait-maeci.gc.ca/canada-europa/germany/visa-internD-en.asp

USEFUL WEBSITES

Citizenship and Immigration Canada – Foreign Worker Manual – review appendices on NAFTA – Appendix G, Section 3.8
www.cic.gc.ca/english/resources/manuals/fw/fw01e.pdf

Jobs that require a work permit but not an LMO
www.cic.gc.ca/english/work/apply-who-permit.asp

Temporary Foreign Worker Unit in Calgary
www.cic.gc.ca/english/work/employers/tfw-units.asp

OPTION 3

Alberta Provincial Nominee Program (PNP)

How to hire a foreign worker permanently

Through the Alberta Provincial Nominee Program (PNP), you can keep your temporary foreign workers by offering them permanent employment and nominating them for permanent resident status in Canada.

This employer-driven program is for skilled workers (NOC 0, A, and B) and some select semi-skilled workers (NOC C and D). There are three steps in the PNP process:

1. If you are nominating a **skilled worker**, you submit:

   (i) an Employer and Worker Application (ABPNP005);

   (ii) an Application for Provincial Nomination (worker application) (ABPNP003); and

   (iii) a copy of application package for permanent resident status.

OR

If you are nominating a **semi-skilled worker**, you submit:

   (i) an Employer Application (ABPNP001);

   (ii) an Employer and Worker Application (ABPNP002);

   (iii) an Application for Provincial Nomination (worker application) (ABPNP003); and

   (iv) copy of application package for permanent resident status.

2. Once approved, your foreign worker is assessed for eligibility to be nominated for permanent resident status by the province of Alberta.

3. After the worker has been approved for nomination, a PNP officer instructs him or her to send **the original** federal application package for permanent residence to a specific Canadian visa post outside Canada.

Obtaining permanent resident status through the PNP program takes approximately 6 to 18 months.

Hiring international students through the Alberta Provincial Nominee Program

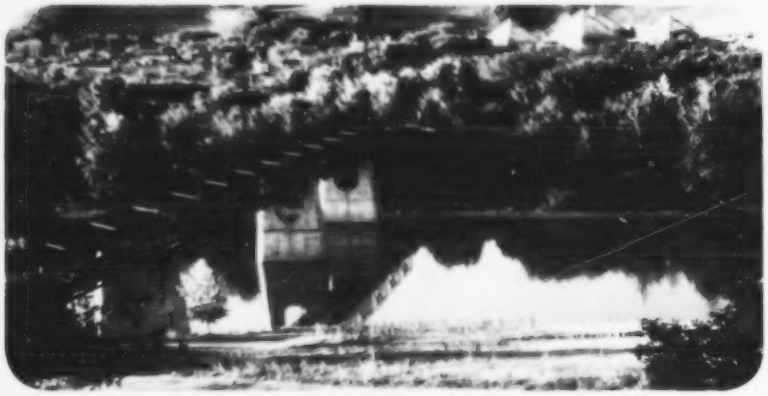
The Alberta PNP allows you to employ international students and nominate them for permanent resident status. To qualify, these students must:

   (i) have graduated from a qualified post-secondary institution in Canada;

   (ii) have completed a minimum two-year program at the undergraduate level or a minimum of one year at the graduate level;

   (iii) be employed on a post-graduate work permit in a permanent full-time job for a minimum of six months; and

   (iv) be in a job that relates to their field of study and in a skilled category (NOC 0, A, or B).



USEFUL WEBSITES

Provincial Nominee Program
www.albertacanada.com/pnp

PNP Application Forms
www.albertacanada.com/immigration/immigrate/skilledworkerforms.html

www.albertacanada.com/immigration/immigrate/semiskilledworkerforms.html

PNP International Graduate Program
www.albertacanada.com/pnp/graduates

CONTACT

Alberta Foreign Worker Hotline

Toll free in Alberta: 1.877.427-6419
Outside Alberta: 780.427-6419
Email: immigration.info@gov.ab.ca

Programs and services for immigrants to Alberta

New-to-Alberta permanent residents may use various governments of Canada and Alberta services. These services include help in settling in Alberta, improving English language skills, finding adequate employment, and more.

USEFUL WEBSITES

Immigration programs and services
www.employment.alberta.ca/immigration-services

Using employment agencies to recruit foreign workers

You may use a third party to help you find workers. If you do so, you must make sure that:

1. Employment agencies **do not charge any foreign worker** a job-placement fee. Charging a job placement fee to a foreign worker is illegal in Alberta.

2. Employment Agencies **are registered** under the *Employment Agency Business Licensing Regulation* to do business in Alberta.

3. Immigration consultants are:

   (i) **regulated** under the *Immigration and Refugee Protection Act*, and

   (ii) **registered and in good standing** with the Canadian Society of Immigration Consultants.

4. Immigration lawyers are **registered and in good standing** with the Canadian or Alberta Bar Association or both.

USEFUL WEBSITES

Using employment agencies in Alberta and Canada
www.albertacanada.com/immigration/employmentagencies

Using a lawyer or other immigration representative
www.cic.gc.ca/english/information/representative/index.asp

FAQs

(i) Should you help temporary foreign workers find accommodation?

Yes. The Alberta government expects employers to help temporary foreign workers find affordable accommodation. However, you are not required to pay for it. The costs for housing should be one-third or less of an employee's monthly gross wages or salary.

(ii) How do you extend the foreign worker's work period?

The chart below shows you how.

Who	How
You	1. Apply for an LMO extension. 2. Give a copy of the LMO extension to your foreign worker.
The foreign worker	Applies for a work permit extension to the Canadian Immigration Centre in Vegreville, Alberta. *Please note that semi-skilled workers cannot get the initial work permit or the extension of their work permit beyond the period of 24 months.*

(iii) Do you pay for foreign workers' travel costs?

You do not have to pay travel expenses for skilled workers or temporary foreign workers hired through the international mobility or exchange programs. However, you must pay round-trip airfare costs for semi-skilled workers.

(iv) How do you terminate foreign workers if they do not meet your expectations?

If a temporary foreign worker does not meet your expectations as outlined in the job contract, you can terminate the worker's employment.

A temporary foreign worker can find another employer. The new employer must apply for a Labour Market Opinion to hire that foreign worker, and then the worker must apply for a new work permit to show any changes in his or her employer, location, or job title.

(v) Do foreign workers need health insurance?

Yes. As an employer, you must ensure that temporary foreign workers have health insurance coverage from the moment they start working in Alberta. Those with a work permit valid for 12 months or more are eligible to apply for immediate Alberta Health Care coverage.

If you are employing semi-skilled temporary foreign workers, you must provide health insurance at no cost to the foreign worker until the worker is eligible for provincial health care coverage.

(vi) What are other employer rights and responsibilities related to foreign workers?

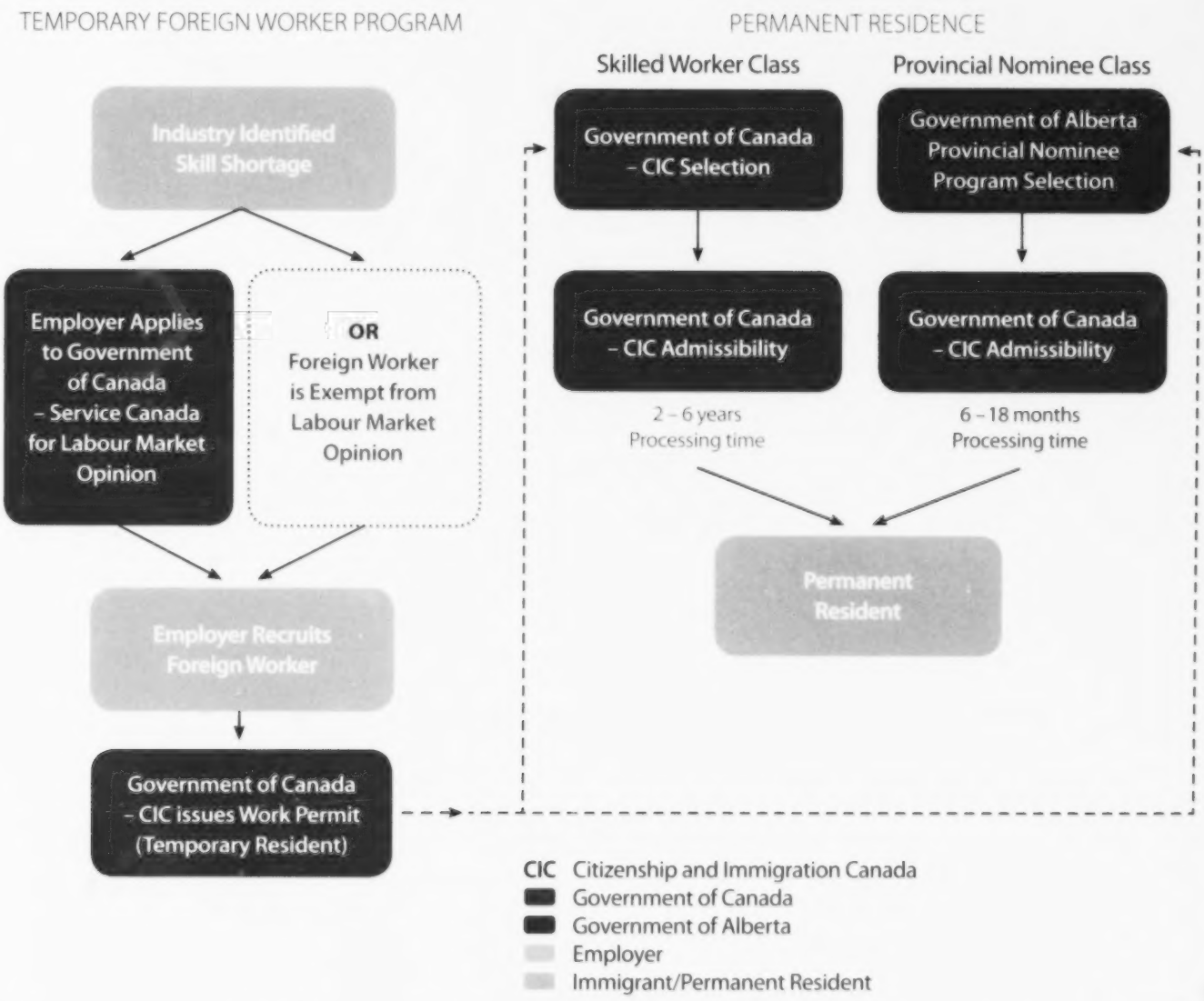
As an employer of temporary foreign workers, you must be aware that they have exactly the same rights as any other worker and are protected under Alberta's employment standards, workplace health and safety, and workers' compensation legislation.

USEFUL WEBSITES

Applying for an LMO Extension – Foreign Worker Application Form
www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/forms/emp5354e.pdf

Instructions/Application to extend your stay in Canada as a worker
www.cic.gc.ca/english/information/applications/extend-worker.asp

Immigration Streams


TEMPORARY FOREIGN WORKER PROGRAM
PERMANENT RESIDENCE
Skilled Worker Class
Provincial Nominee Class
Industry Identified Skill Shortage
Government of Canada – CIC Selection
Government of Alberta Provincial Nominee Program Selection
Employer Applies to Government of Canada – Service Canada for Labour Market Opinion
OR
Foreign Worker is Exempt from Labour Market Opinion
Government of Canada – CIC Admissibility
Government of Canada – CIC Admissibility
2 – 6 years Processing time
6 – 18 months Processing time
Permanent Resident
Employer Recruits Foreign Worker
Government of Canada – CIC issues Work Permit (Temporary Resident)
CIC Citizenship and Immigration Canada
Government of Canada
Government of Alberta
Employer
Immigrant/Permanent Resident

For further information, contact:

Alberta Foreign Worker Hotline

Phone Toll-free in Alberta: 1.877.427-6419
Outside of Alberta: 780.427-6419

E-mail immigration.info@gov.ab.ca

Web **www.albertacanada.com/immigration**
www.albertacanada.com/jobs

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